

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GB7 2003062 PCT		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/008145		International filing date (day/month/year) 21.07.2004		Priority date (day/month/year) 01.08.2003
International Patent Classification (IPC) or national classification and IPC C08G18/10, C08G18/36, C08G18/42				
Applicant SAINT-GOBAIN PERFORMANCE PLASTICS CHAINEUX et al				
<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 07.09.2004		Date of completion of this report 29.06.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer S. SCHEUER Telephone No. +49 89 2399- 8321 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/008145

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-12 as originally filed

Claims, Numbers

1-19 as originally filed

Drawings, Sheets

1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/008145

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

Il est fait référence aux documents suivants:

D1: US-A-4264743

D2: EP-A-0714929

1. Art.33(2) et 33(3) PCT:

1.1 D1 décrit une mousse souple de polyuréthane, utilisée comme joint d'étanchéité, obtenue par réaction d'un composant polyol hydrophobe et d'un polyisocyanate en présence d'un agent de moussage. Le composant polyol hydrophobe est dérivé d'un dimère d'acide gras ou d'huile de ricin. Les joints d'étanchéité obtenus à partir de la mousse de polyuréthane précitée, présentent de très bonnes propriétés d'étanchéité (col.10/44-50). D1 décrit un rapport polyisocyanate/polyol (NCO/OH index) égal à 0.9 ou supérieur (col.8/24-26). Néanmoins le contenu de D1 est très pertinent pour l'appréciation de l'activité inventive.

1.2 D2 décrit une mousse de polyuréthane étanche à l'eau, obtenue par réaction d'un composant polyol hydrophobe et d'un composant polyisocyanate. Le composant polyol hydrophobe est préparé à partir d'un dimère d'acide gras. Les exemples de D2 (tables 1-7) décrivent un rapport NCO/OH égal à 0.577 donc inférieur à 0.9. D'autre part la force à la compression étant un paramètre inhérent à la mousse, on peut s'attendre à ce que les mousses préparées de manière identique selon D2, présentent le même paramètre.

1.3 De plus l'exemple "comparatif 3" dans le tableau 1 de la présente demande est destructeur de nouveauté pour l'objet de la revendication 1 dans la mesure où la nature des polyols A 2.1, 2.2 et 2.3 n'est pas décrite.

1.4 Pour les exemples comparatifs 1 et 2 il faut impérativement préciser la définition en termes techniques de "SUPERSHEET" et "SUPERSEAL".

1.5 Les noms commerciaux tels que "TESLAC" (p.6/3) et "SUPERSEAL" ET "SUPERSHEET" (p.3/18-19) doivent être définis par des caractéristiques techniques. Par conséquent, l'objet des revendications 1-19 ne remplit pas les conditions des Art.33(2) et 33(3) PCT.

2. Afin de faciliter l'examen de conformité au regard des dispositions de l'article 34(2) b) PCT des pièces modifiées de la demande, le demandeur est invité à identifier clairement les modifications apportées, qu'il s'agisse de modifications par adjonction, remplacement ou suppression et à préciser sur quels passages de la demande telle que déposée ces modifications sont basées (cf. également règle 66.8 a) PCT).